

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LEOPOLDO CARDENAS,

Petitioner,

v.

PAT GLEBE,

Respondent.

Case No. C08-5774RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Petitioner's Motion to Proceed *In Forma Pauperis* on Appeal [Dkt. #26]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Cardenas has filed an appeal [Dkt. #24] of this Court's Order dismissing his 28 U.S.C. § 2254 petition as a second or successive petition that he has not obtained the permission to file from the United States Court of Appeals for the Ninth Circuit. He seeks to proceed with the appeal *in forma pauperis*. The record reflects he paid the requisite filing fee in this Court. Petitioner's motion does not substantially conform to the form required by Fed. R. App. P. 24. Furthermore, the inmate trust account statement attached to the motion is not current. Petitioner's Motion to Proceed *In Forma Pauperis* on Appeal [Dkt. #26] is **DENIED**.

Due to the nature of this appeal and for the reasons stated in the Report and Recommendation [Dkt. #20], the Court declines to issue a certificate of appealability because the petitioner has failed to

1 make a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).

2 **IT IS SO ORDERED.**

3 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party  
4 appearing pro se.

5 Dated this 27<sup>th</sup> day of July, 2009.

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8 RONALD B. LEIGHTON  
9 UNITED STATES DISTRICT JUDGE  
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